

United States District Court

for

District of Guam

Report for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearings is Attached)

Name of Offender **Victor A. Deleon Guerrero** Case Number: **CR 02-00016-002**

Name of Sentencing Judicial Officer: John S. Unpingco

Date of Original Sentence: June 17, 2003

Original Offense: Possession of Stolen Firearms, in violation of 18 U.S.C. § 922(j) & 924(a)(2)

Original Sentence: 40 month term of imprisonment followed by three year term of supervised release with the following special conditions: refrain from the use of any and all alcoholic beverages; participate in a program for assessment and treatment of narcotic addiction or drug or alcohol dependency which will include testing for the detection of substance use or abuse, and make a co-payment at a rate to be determined by the U.S. Probation Office; perform 400 hours of community service; maintain gainful employment; pay a \$100 special assessment fee and pay \$9,289.52 restitution. On February 7, 2006, conditions were modified to include testing not to exceed eight drug tests per month. On August 27, 2007, an informational violation report was filed with the Court.

Type of Supervision: Supervised Release Date Supervision Commenced: January 11, 2006

PETITIONING THE COURT

- ☐ To extend the term of supervision for _____ years, for a total term of _____ years.
- ☒ To modify the conditions of supervision as follows

1. The defendant shall participate in the curfew component of the home confinement program for a period of one month, and abide by all the requirements of the program which will include electronic monitoring. The defendant is to pay all or part of the costs of the program based on his ability to pay as determined by the probation officer. The defendant is hereby restricted to his residence every day from 10:00 p.m. to 6:00 a.m. or as directed by the officer.

CAUSE

On December 26, 2007, Victor Deleon Guerrero tested presumptive positive for the use of methamphetamine. He denied use of any illegal substances and the specimen was sent to Kroll Laboratory Specialists, Inc. for confirmation testing. On January 3, 2008, the results were returned positive for the use of amphetamine and methamphetamine and Mr. Deleon Guerrero subsequently admitted to using "ice".

Mr. Deleon Guerreo is participating in a substance abuse testing and treatment program. As a result of the admission, he was returned to phase one day one of the program. He paid the \$100 special assessment fee on September 20, 2005 and is gainfully employed.

Based on the information above and pursuant to 18 U.S.C. § 3583(e)(2) , this Officer respectfully requests that the Court modify the conditions of supervised release and order Mr. Deleon Guerrero to participate in the curfew component of the home confinement program for a period of one month. Attached is Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision, with Mr. Deleon Guerrero's consent to the modification.

Reviewed by:



/s/ CARMEN D. O'MALLAN
U.S. Probation Officer Specialist
Supervision Unit Leader

Date: March 27, 2008

Respectfully submitted,

by:



/s/ GRACE D. FLORES
U.S. Probation Officer

Date: March 27, 2008

THE COURT ORDERS

☐

No Action

☐

The Extension of Supervision as Noted Above.

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The Modification of Conditions as Noted Above.

☐

Other

Issuance of a:

☐

Summons

☐

Warrant

United States District Court

for

District of Guam

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

I agree to the modification of my supervised release conditions to include the following conditions:

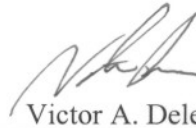
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Witness:


Grace D. Flores

U.S. Probation Officer

Signed:



Victor A. Deleon Guerrero

Probationer or Supervised Releasee

2-5-08

Date